CHAPTER - II

Evolution of Tenancy Laws in the areas now included in Mysore State.

1. The new State of Mysore which came into existence on 1-11-56 includes the following five areas namely,

(i) Bombay area comprising the present districts of Dharwar, Belgaum, Bijapur and North Kanara from the former Bombay State,

(ii) Hyderabad area comprising the present districts of Raichur, Gulberga and Bidar from the former Hyderabad State,

(iii) Madras area made up of the present South Kanara district and Kollegal taluk from the former Madras State,

(iv) The area which was formerly the State of Coorg, and

(v) the Mysore area comprising the districts of Bangalore, Mandya, Mysore, Hassan, Chikmagalur, Shimoga, Chitaldrug, Bellary, Tumkur and Kolar from the former Mysore State.

2. At the time of formation of the new State the Bombay Tenancy and Agricultural Lands Act of 1948 as amended up to 31-10-56 was in force in the Bombay area. The Hyderabad Tenancy and Agricultural Lands Act of 1950 as amended up to the end of October 1956 was in force in the Hyderabad area. The Madras Cultivating Tenants Protection Act of 1955 became effective in Kollegal taluk in 1955 and was extended to South Kanara district also by the Amending Act of 1956 which repealed the South Canara Cultivating Tenants Protection Act, 1954. The Madras Cultivating Tenants (Payments of Fair Rent Act), 1956 had come into force in the Madras area on 1-10-56. There was no tenancy law in the Coorg area. The Mysore Tenancy Act, 1952 was in force in the Mysore area.

3. In this chapter we propose to examine these existing tenancy laws in the several areas of the State. It will help a clear understanding of the position in various areas in respect of each of the important aspects of tenancy legislation.

I - BOMBAY AREA

BOMBAY TENANCY ACT, 1939.

4. Prior to 1939 there was no law in Bombay State regulating the relations between landlords and tenants except section 83 of the Bombay Land Revenue Code. With a view to providing protection to tenants the Bombay Tenancy Act of 1939 was enacted. For the first time, the Act gave to the tenants fixity of tenure, protection from rack-renting and from eviction and rights to house sites and trees.

It introduced a new concept viz., "the protected" tenant. A tenant who had held land continuously for a period of not less than six years immediately preceding 1st January 1938 became a protected tenant. Under the Act no lease could be for less than 10 years. Rent was limited to the agreed rent or rent payable according to usage or to 'reasonable' rent as determined by the Mamlatdar in case of dispute. A protected tenant's tenancy could be determined by the landlord only when the tenant failed

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to pay rent, sub-let or sub-divided the land, used it for non-agricultural purposes or did any act injurious to the land. In case of a protected tenant's death his tenancy continued to his heirs if the latter so desired. The landlord had, however, a right to resume the land from a protected tenant for personal cultivation.

By the time the Act came into force, the popular Ministry which piloted the measure had resigned and the Act was not applied all o' i the Bombay State. It was applied in the districts of Surat, Thana, West Khandesh and Dharwar from 1-4-41.

5. In 1946 the Act was amended to provide for the following matters -

(1) the rate of rent was not to exceed in the case of irrigated land 1/4 of the crop or its value and in case of other land 1/3, and

(2) every lease subsisting on the appointed day was to be deemed to be for 10 years.

The Act so amended was applied to the whole of Bombay State with effect from 11-4-1946. In the administration of the Act, however, some defects were noticed. In order to remedy them and also further to improve the position of the tenants comprehensive legislation called the Bombay Tenancy and Agricultural Lands Act, 1948 was passed.

BOMBAY TENANCY AND AGRICULTURAL LANDS ACT OF 1948.

6. The new Act of 1948 retained all the beneficial provisions of the Act of 1939 and added other provisions.

The relation between landlords and tenants was sought to be settled by the new Act by -

(1) giving to tenants security of tenure, reasonable rent and right to trees and house sites;

(2) providing commutation of crop-share into cash; and

(3) abolition of various cesses, baks etc., of an obnoxious nature.

Efficient cultivation of land was sought to be achieved by -

(1) prohibiting sub-letting or sub-division;

(2) encouraging joining of co-operative societies;

(3) assuming management by Government of land holders' estates in case of dispute between the land-holders and tenants or for ensuring fuller utilisation of lands;

(4) prohibiting transfer of agricultural land to non-agriculturists and determining priorities in the matter of transfer of lands;

(5) enabling a protected tenant to purchase land from the land holder at a reasonable price payable in instalments;

(6) assuming management of land lying uncultivated for any two cultivating seasons;

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(7) assuming any estate or land under management; and

(8) restricting resumption of land held by a protected tenant by a land-holder for personal cultivation.

The Act recognised three categories of tenants namely:

(1) permanent tenants;
(2) protected tenants; and
(3) ordinary tenants for 10 years.

Certain tenants cultivating the land continuously for a period of not less than 6 years immediately before the dates specified in the Act were recognised as protected tenants; and the protected tenants were given special rights to purchase lands at a reasonable price to be determined by the Tribunal. The price was generally to be the market price and payable in a lump sum or in ten instalments within 15 years. A protected tenant had also a right to exchange his tenancy. His tenancy right was heritable.

The landlord's right to terminate the tenancy of a protected tenant for personal cultivation was further circumscribed. He could not resume land for personal cultivation.

1) if he had been cultivating personally other land measuring 50 acres or more; but if land so cultivated by him was less than 50 acres he could resume land so as to make up the holding of 50 acres; and

2) further if such a tenant had become a member of a co-operative farming society.

If the landlord failed to cultivate the land personally within one year it was to be restored to the evicted tenant. The tenant was entitled to compensation for the improvements effected by him, on the termination of his tenancy.

The maximum rate of rent was fixed statutorily by the Act of 1948 also at 1/3 and 1/4 of the produce for non-irrigated and irrigated lands respectively. The Government had power to fix a lower rate of maximum rent. By notification dated 17-10-1952 the maximum rate of rent was reduced to 1/6 of the crop or its value, irrespective of the fact whether the lands were irrigated or non-irrigated.

7. The Act of 1948 was amended in 1962. The important clauses introduced by the Amending Act are -

(i) provision for the purchase of land by the tenant on payment of price in instalments,

(ii) restriction of the right of the landlord to evict the protected tenant only when the income from the land to be resumed was the main source of income of the landlord for his maintenance.

The Act also laid down that only persons in whose names the land stood on 1-1-52 could evict a protected tenant. In addition the Amending Act introduced for the first time a new concept of 'agricultural holding'. It means 16 acres of jirayat land or 4 acres of irrigated or paldy or rice land.

As regards the extent of land which could thus be resumed for personal cultivation, he could resume the entire area leased in case he held an agricultural holding or less as defined above; but if his holding was larger in size he could resume not

more than half the area leased to the tenant. There could be no further resumption from the land so left with the tenant.

THE BOMBAY TENANCY AND AGRICULTURAL LANDS(AMENDMENT) ACT,1955.

8. The working of the Act of 1948 disclosed certain defects and difficulties. It was also found to be inadequate to translate into practice the ideas of economic holding and ceiling which held the field as the most important means of solving the agrarian problem of the country. The Planning Commission also in the meanwhile had made recommendations regarding the absolute limit to the extent of land which any individual may hold as also to the effect that the existing tenants should be given occupancy rights subject to the landlord's right to resume a limited area for personal cultivation. Major changes in the tenancy law were therefore made by the Amending Act of 1955.

The salient points introduced by the Amending Act are as follows:-

(1) The Amending Act defines the 'ceiling area' and 'economic holding'. An economic holding will be (a) 16 acres of jirayat land, or (b) 8 acres of seasonally irrigated or paddy or rice land, or (c) 4 acres of perennially irrigated land. The ceiling area will be 3 times this.

(2) The distinction between protected and ordinary tenant was removed by putting the latter on the same footing as the former.

(3) No person in future whether as owner or tenant or both would be able to hold land in excess of the ceiling area. This restriction does not however apply to the land personally cultivated immediately before the appointed day.

(4) Maximum and minimum limits of rent are fixed. The rent would not be less than twice, nor exceed 5 times the assessment or Rs.20 per acre whichever is less, the tenant paying land revenue and other Government dues. The total payment by the tenant was however limited to 1/6th of the gross produce.

(5) On and with effect from 1-4-1957 to be known as the Tillers' Day every tenant whether permanent, protected or otherwise would be deemed to have purchased from the landlord land held by him as tenant free of all encumbrances subject to the condition that he cultivated the land personally and certain other conditions. But this will not apply to the lands leased by a person who does not hold more than an economic holding and whose annual income from all sources including the rent of the land does not exceed Rs.1500. The purchase price would be between 20 and 200 times the assessment and payable in either a lump sum or in instalments within a maximum period of 12 years with simple interest at 4½%.

(6) All lands so purchased by tenants would be non-transferable except with the previous sanction of the Collector.

(7) In the event of the death of a tenant the tenancy will continue to his heirs.

(8) The landlord's right to terminate the tenancy for personal cultivation has been further restricted by the following important conditions.

(a) A notice of termination should be given before 31-12-1956.

(b) And in no case can a tenancy be terminated in such a manner as will leave with the tenant less than half the area leased to him.

ORDINANCE OF 11-3-1957 AND MYSORE ACT 13 OF 1957

9. On the 11th March 1957, an Ordinance was issued suspending the operation of the provisions of the Bombay Act relating to resumption by landlords and purchase by tenants and also requiring that all surrenders should be registered in the Mamlatdar's office. This Ordinance was subsequently replaced by Act No.XIII of 1957. By virtue of the suspension of these provisions, the right of landlord to resume land for personal cultivation as well as the provisions whereby the tenant became the owner of the holding under certain circumstances are kept in abeyance.

II - Hyderabad Area.

10. Broadly speaking Hyderabad had two types of land tenures, namely (1) Khalsa or diwani lands under the direct management of Government and (2)non-khalsa lands the revenue of which had been wholly or partly assigned for some special purpose. The latter comprised (a) surf-e-khas lands (Nizam's property) and the jahgirs or Inams. The surf-e-khas lands comprising 1961 villages were merged in Diwani in 1949. Diwani lands as well as most of surf-e-khas lands are generally held on pure ryot-wari tenure; there are not therefore many intermediaries between the Government and the actual tiller of the soil as in the zamindari estates. Still, as the recognised occupants were not obliged to cultivate personally their lands, certain inferior tenures developed. They are known as pot-pattedari, shikmidari and asami shikmi (tenants-at-will). In non-khalsa area, however, which covered the jagirs and Inams, the tenancy problem was more acute. The Jahgirdars did not concede occupancy rights to their cultivators, being anxious to treat all cultivators as mere tenants so that they could enhance rent.

11. Till 1945 when the Hyderabad Asami ~~and~~ Shikmi Act was passed, there were mainly two kinds of tenants, (1)shikmidars and (2) asami shikmidars. Shikmidars were permanent tenants and possessed rights similar to the pattadars. Asami shikmidars were tenants responsible to the holders for payment of rent. After 12 years of continuous tenancy they could be deemed to be shikmidars, but in practice no tenant could prove such a period of continuous possession. Rents also differed. They consisted of (a) batai or crop share, (b) money rent and (c) fixed grain rent.

12. The Hyderabad Government appointed a Tenancy Committee which recommended that the Bombay Tenancy Act of 1939 should be accepted as the model since it was a "just and mild enough measure". As a result, the Hyderabad Asami Shikmis Act of 1945 was enacted. The Act gave fixity of tenure to all new tenants for 10 years, and empowered Government to fix maximum rates of rent. A class of tenants was declared as protected and granted permanency of tenure subject only to the payment of lawful rent.

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS ACT, 1950.

13. The appointment of the Hyderabad Agrarian Reforms Committee in 1949 was a land-mark in the history of land reforms in Hyderabad. On the basis of the recommendations of this Committee the Hyderabad Tenancy and Agricultural Lands Act of 1950 was enacted. The main objects of this Act were to improve the status of tenants, to impose a limit on the size of holdings, to abolish absentee landlordism and to encourage preservation of lands in the hands of genuine agriculturists.

The Act largely followed the Bombay Act with the

result that several of its provisions are similar to those of the Bombay Tenancy and Agricultural Lands Act, 1948.

The Act recognised 2 categories of tenants, (1) protected tenants, and (2) Asami Shikmis. All tenants who had cultivated lands continuously for 6 years within the prescribed period were declared as protected tenants and special rights and privileges were conferred upon them including the right to purchase the land held by them on easy terms.

The Act generally prohibits any lease of land after 3 years from the commencement of the Act except in the case of minors, women, persons with physical or mental disability, and those serving in the Naval, Military or Air Force. All leases made within these 3 years would be for 10 years. Subdivision and sub-letting of lands are prohibited.

The Act also introduced the concept of an 'economic holding' as a new yard-stick. The minimum area of land which would enable a cultivator to maintain an average family of 5 persons including himself in reasonable comfort was defined as an 'economic holding' and no person who held more than 5 times the size of economic holding was allowed to acquire more land.

Maximum rent was limited to 1/3 of the crop or its value in the case of irrigated land except land under wells and 1/4 in the case of unirrigated land or irrigated land under wells.

The Act contains provisions similar to those of the Bombay Act, regarding protected tenancy, right to trees, house sites and dwelling places, remission and suspension of rent, termination of tenancy under certain conditions and management of uncultivated or improperly cultivated lands.

The Act has another distinguishable feature namely, the use of compulsion for the formation of co-operative farming societies. If an application is made to the Registrar of Co-operative Societies by any ten or more persons of a village or two or more persons of a village or two or more contiguous villages holding between them 50 acres or more for the formation of a Co-operative farming society, the Registrar has to make inquiries and grant a certificate of registration. Provision has also been made for the formation of a cooperative farm of uneconomic holdings, if not less than two-thirds of the total number of land-holders holding rights is not less than 2/3 of such holdings in a village or contiguous villages apply jointly for the formation of a co-operative farm.

<u>The Hyderabad Prevention of Evictions Ordinance of 1952.</u>

14. In the light of experience gained, the Act of 1950 was amended by the Amending Acts, XIII and XXIII of 1951. With a view to stopping the large-scale eviction of tenants in which landholders started indulging, the Hyderabad Prevention of Evictions Ordinance was promulgated in August 1952 for (1) staying all suits claiming relief through eviction of tenants, and (2) for restoring possession to tenants evicted after 21st March 1952. The Ordinance lapsed in January 1953.

Tenancy Records: During 1951-52 and 52-53, tenancy records were prepared with a view to consolidating the position of protected and ordinary tenants. In token of recognition of protected tenancy rights, certificates were distributed. Similarly records were prepared and shikmidari certificates distributed thus creating an impression that the tenancy rights had come to stay.

shikmidari

THE HYDERABAD TENANCY AND AGRICULTURAL LANDS (AMENDMENT) ACT, 1954.

15. In the meanwhile the Planning Commission made recommendations for further progressive measures to be taken in regard to landpolicy. In order therefore further to improve the status of tenants and to provide for the implementation of the recommendations of the Planning Commission, the Hyderabad Tenancy and Agricultural Lands Amending Act of 1954 was passed.

The salient features of the Amending Act are as follows:-

(1) Family holding : Instead of economic holding, the unit of a family holding was devised as a new yard-stick for the administration of land reforms. The term 'family holding' is defined as representing an extent of land which can be cultivated by a family of 5 members and which will yield a net annual income of Rs. 800.

(2) Rent : In addition to reasonable rent being prescribed as 1/4 or 1/5 of the produce, maximum limits to rent were fixed in terms of multiples of land revenue. The maximum limits would be for wet lands - 3 or 4 times the land revenue for wet lands which are irrigated by wells or irrigated by other sources respectively In the case of dry land the rent would be 4 times for chalka soil and 5 times for black cotton soil for bagayat land. The tenants have the option to pay rent in cash or in equivalent produce.

(3) Personal cultivation: The extent of land which could be resumed for personal cultivation from a protected tenant was reduced and resumption was allowed subject to the following conditions:-

(a) A landlord may resume upto 3 times the family holding provided he had filed with the Deputy Collector a statement of reservation demarcating the land so reserved.

(b) After such resumption a protected tenant will be left with an area which together with the land owned by him or cultivated by him as protected tenant is a basic holding; if not, the landlord's right to terminate the tenancy would be limited to half the area leased by him to the protected tenant. Where, however, the land owned by the landholder does not exceed a basic holding, he will be entitled to resume the entire area leased by him. The landholder cannot resume more than a family holding unless the income of such land will be the main source of his income for his maintenance.

(c) The right of such termination shall cease after five years.

(4) Future acquisitions : A ceiling has been put on future acquisitions of land at three times the family holding.

(5) Purchase by tenants : The price which a protected tenant has to pay is 15 times the rent for dry land, 8 times for wet land irrigated by wells and 6 times for wet land irrigated by other

sources. The price payable either in a lump sum or in not more than 16 instalments during a period of 8 years.

(6) The extent of land which a protected tenant can compel a landholder to sell in this way is limited to a family holding including any land that he may already own, subject however to the condition that an area not less than twice the family holding will still remain with the landholder.

(7) It is obligatory that voluntary surrenders of tenancies should be admitted and certified before the Tahsildar.

(8) Standards for efficient cultivation are to be prescribed.

(9) There is a ceiling on existing holdings also. The law provides for State assumption of management or State acquisition of land which is under the personal management of an owner and is in excess of 4½ family holdings. Exemption has been given to farms which are so efficiently managed that their break-up would lead to a fall in production. The compensation for such lands will be a recurring payment of rent and a lump sum for other losses. Implementation of this provision was taken up in the areas in which a notification for transfer of ownership to tenants has also been issued (ie., Yadgir sub-division of Gulbarga district).

(10) Section 38E has given power to Government to declare by notification that ownership of all lands held by protected tenants in a specified area stood transferred to and vested in the protected tenants. The protected tenants would thus be deemed to be full owners of such lands. The former Hyderabad Government had issued a notification introducing this provision in Yadgir Sub-dividion of Gulberga district now included in Mysore.

Ordinance of 11-3-1957 and Mysore Act 15 of 1957:

16. An Ordinance was issued on 11-3-1957 suspending the provisions relating to the landholder's right to terminate protected tenancy and also staying all proceedings whether termination of tenancy or for assumption of land which were pending on 11-3-1957. Surrenders of lands were required to be verified before the Tahsildar and registered in his office. The Ordinance also contained a provision that all the lands surrendered by a tenant, in the excess over the extent which, along with extent already in the holding of the landlord would make up three family holdings should be taken under Government management and leased out to Co-operative Farming Societies, agricultural labourers, landless persons and other agriculturists in that order. The Ordinance has been replaced by the Hyderabad and Madras Areas Tenancy (Suspension of Provisions and Amendment) Act, 1957.

III - MYSORE

17. Before the enactment of the Mysore Tenancy Act, 1952 the rights of tenants were regulated by the Mysore Land Revenue Code, 1888. According to the Code there were two classes of tenants, with permanent rights, namely, kadim tenants only in alienated lands (inam lands) and permanent tenants in both alienated lands and un-alienated lands (Government villages).

Kadim tenants are tenants who pay only land revenue.

Permanent tenants are tenants -

(1) who have held the land from antiquity, or

(2) who were in continuous possession on a fixed rent for 12 years and there was no contract regarding the nature or duration of the tenancy, or

(3) who were recognised as such by the landlord or by a Court, or

(4) who had made permanent improvements and were in continuous possession for 12 years, or

(5) who had exercised the right of transfer (which the landlord did not repudiate).

Apart from these special classes of tenants, all the other tenants were tenants-at-will.

18. The Mysore Tenancy Act, 1952 and the Rules thereunder gave a small measure of security to certain tenants:

(1) tenants in possession at the commencement of the Act were given a further period of 5 years from the commencement of the Act and were liable to ejectment at the end of this period unless the landlord allowed them to continue;

(2) tenants who had been in continuous possession for a period exceeding 12 years before April 1, 1951 were given further security inasmuch as the landlord could eject them on the ground of personal cultivation only from a part of their holding. The landlord could resume half the area of a tenant holding 10 acres or less; in the case of tenants holding more than 10 acres from 50 to 75 per cent of tenancy area.

Both these kinds of tenants were liable to ejectment on the following grounds:

(1) sub-division of land;

(2) sub-letting the land; or failure to cultivate it personally (except in the case of a tenant who is a widow or a minor or suffering from a disability);

(3) leaving the land fallow;

(4) using the land for purposes other than agriculture;

(5) failure to pay rent;

(6) act destructive or permanently injurious to the land.

RENT

The maximum rent was not to exceed one half of the produce or its value.

This Act of 1952 was originally introduced in a few selected areas and was made applicable throughout the State of Mysore except Bellary district from 1-1-1954.

The Act was made applicable in Bellary district also in 1955. Originally the Act provided that the maximum rent was not to exceed 1/2 and also gave power to Government to fix a lower rate of maximum rent. In exercise of this power Government

issued a notification in March 1955 fixing maximum rent at 1/3rd the produce in Maidan area and 1/4th in Malnad area.

Even this Act was amended by an Ordinance dated 11-3-1957 continuing all leases where the period of 5 years had expired and also requiring that surrenders of land should be in writing and duly verified and registered in the office of the Amildar. The land surrendered was to be taken under Government management and was to be leased out in the following order., viz., Co-operative farming societies, agricultural labourers, landless people and other agriculturists.

THE MYSORE TENANCY (SECOND AMENDMENT) BILL, 1954.

19. The Government of the former State of Mysore had in October 1954 introduced in the legislature a Bill for amending the Mysore Tenancy Act, 1952. The salient features of this Bill were as follows:

(1) Instead of two categories of tenants as in the Act of 1952, there would be 3 categories after the amendment, namely -

(a) Protected tenants. Protected tenants were those tenants who had held land continuously for a period not less than 9 years before April 1, 1951 and who had cultivated the land personally during this period.

(b) Non-protected tenants. Non-protected tenants were those tenants who had held land continuously for a period not less than 5 years; and

(c) Ordinary tenants.

(2) Rights of various classes of tenants.

The general grounds for ejectment remained unchanged except that the tenants would not be liable to ejectment on the ground of sub-division.

(3) Protected tenants. Protected tenants were liable to ejectment on the ground that the landlord bonafide required the land -

i) for personal cultivation, or
(ii) for non-agricultural use upto 1/4th of the permissible holding.

Permissible holding was equal to 25 standard acres. Where the landlord held the land on behalf of himself and other members of his family, the permissible holding would be 25 standard acres for each member of his family subject to a maximum of 100 standard acres.

In determining the area which a landlord can resume from protected tenants, the area already cultivated personally by him or leased to a tenant other than a protected tenant should be taken into account. Further, the income by the cultivation of such land should be the main source of income of the landlord for his maintenance. This condition, however, did not apply to lands resumed for non-agricultural use.

(4) Non-protected tenants.

Non-protected tenants may beejected by one year's notice on the ground of the landlord's requiring the land for personal cultivation upto one permissible holding. The condition, that the land was required by the landlord as the main source of his income for his maintenance applied in this case also. The ejected tenant was entitled to restoration if the landlord did not cultivate the land personally within 2 years.

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(5) Ordinary tenants.

All other tenants were given a minimum term of 10 years instead of 5 years as in the Act and were liable to ejectment at the end of the period; if however, the landlord allowed them to hold over, their term would extend to another period of 10 years. They were also liable to ejectment on one year's notice in exercise of the landlord's right of resumption in the same way as non-protected tenants.

(6) Right of purchase.

Protected tenants and non-protected tenants (but not ordinary tenants) were entitled to purchase the landlord's rights on payment of the market value either in a lump sum or in instalments not exceeding 6 and spread over a period not exceeding 10 years. This right of purchase was subject to two conditions, namely --

a) that the total land which the tenant could purchase (including the land held in his possession as owner) was 25 standard acres; and (b) the total area remaining with the landlord after the purchase would not be less than the permissible holding (i.e., from 25 standard acres to 100 acres).

After the purchase by the protected tenant or non-protected tenant, the tenant had no right to transfer the land by sale, gift etc.,

(7) Maximum rent.

According to the Act of 1952, the maximum rent was 1/2 of all the crops raised on the land. According to the Amendment, it was not to exceed 1/2 of the main crop raised on the land or its value.

(8) Other changes.

(a) A tenant could at any time apply for determination of the reasonable rent, but under the Amendment a period of limitation was now to be prescribed. Under the Act reasonable rent once fixed remained in force for the remainder of the tenancy. Under the Amendment it was to be open to revision after 5 years.

(b) If the landlord of a dwelling house site desired to sell it, the tenant who had built the dwelling house was to be given a notice by the landlord asking him if he wished to purchase the site. The tenant was to answer to the notice within 3 months; the Amendment reduced this period to 1 month.

Under the Act the tenant could purchase the site only on the terms offered by the landlord; but he could according to the Amendment apply to a Revenue court to determine the market value.

(c) A similar notice was to be given to the tenant by the land-lord if he desired to sell the land leased to the tenant. The landlord was to decide the price. Under the Amendment Bill if the tenant wished to purchase the holding but was not willing to pay the price demanded by the landlord, he could apply to the Assistant Commissioner for determining the market price. He could also pay the market price within 3 months instead of one month as mentioned in the Act.

(d) Under the Act the landlord was required to give a receipt for rent only on the written request of the tenant. He is under the Amendment required to give receipts in all

cases. The form and manner of receipt was to be prescribed under the Act; but according to the Amendment the landlord could give it in any form.

(e) The interest of the protected tenant was made heritable according to a restricted table.

(f) The protected tenant was entitled to compensationfor improvements made by him.

(g) Transfers made by the landlord after the Amending Bill came into force were not to affect the right of any protected or non-pfotected tenant to purchase the land or the landlord's right to terminate the tenancy for personal cultivation.

20. The Bill had not completed all the necessary stages for becoming law up to the time of States re-organisation.

IV - South Kanara district and Kollegal taluk.

21. In South Kanara district and Kollegal taluk the Madras Cultivating Tenants Protection Act of 1955 and Madras Cultivating Tenants (Payment of Fair Rent) Act of 1956 were in force. The main features of these Acts have already been mentioned in Chapter I.

The provision of the Madras Cultivating Tenants Protection Act relating to the resumption of land by landlords has also been suspended by an Ordinance dated 11-3-1957. The Ordinance also lays down that surrenders by tenants in the area governed by Madras Act, 1956, should be in writing and should be admitted before the Tahsildar, who should satisfy himself that it is made in good faith and then register the surrender in his office. The lands surrendered will come under Government management and are to be leased out to co-operative farming societies, agricultural labourers, landless persons and other agriculturists in that order.

V - COORG

22. There was no Tenancy law at all in Coorg upto 11-3-1957 when the Coorg Tenants Ordinance was promulgated. This Ordinance and the Coorg Tenants Act which replaced it are interim measures. They provide that the maximum rent should not exceed 1/3rd of the crop and that landlords should not evict tenants. Surrenders are to be made only in writing and verified before the Subedar and registered in his office. Lands surrendered by tenants will be taken under Government management and leased out to co-operative farming societies, agricultural labourers, landless persons and other agriculturists in that order.

VI - GENERAL

23. The above discussion makes it clear that there is not only great divergence in the objectives proposed to be achieved by the Tenancy laws in force in various areas butalso in the degree to which even the accepted objectives are implemented. Only in the Bombay Act do we find any measures for the implementation of the objective of conferring ownership of the land on all tenants. The Hyderabad Act confers an optional right on one class of tenants viz., protected tenants to purchase the land held by them. There is also a provision in that Act empowering Government to declare that ownership of lands shall stand transferred to protected tenants from a specified date and in the specified area. Madras and Mysore Acts have not yet made any provision for the conferment of ownership on tenants.

24. Similar divergence exists even as regards the security of tenure. The Mysore Act considers it adequate to lay down that all leases should run for a minimum period and that permanent tenants,

who have held land continuously for a period exceeding 12 years can be evicted only on the ground that the landlord requires the land for personal cultivation. The Madras Act, though a transitory measure, permits eviction of tenants only on the ground that the land is required for personal cultivation by the landlord and in addition to limiting the extent of land which can be so resumed to five acres of wet land or its equivalent area, renders it impossible either for a substantial holder (person owning or having as tenant land in excess of 13 1/3 acres of wet land) or for a person having a reasonable income from non-agricultural sources (as indicated by his being assessed to sales tax, income tax or profession tax) to resume land from a tenant. The provisions in the Bombay and Hyderabad Act are more detailed and are intended to secure the two-fold objectives of (i) ensuring that the tenant is left with some land after resumption by the landlord and (ii) that the extent of land which can be held for personal cultivation by persons who were not cultivating all their lands personally, does not exceed a ceiling limit.

25. The maximum rent fixed by or under the law also varies from area to area. In Bombay area only cash rents are allowed and these cash rents are to be fixed as a multiple of the assessment. The total payment to be made by a tenant as rent and towards Government dues is limited to 1/6th of the produce. In Hyderabad area produce rents are allowed and the reasonable rent is fixed as one-fourth of the average annual produce of the land for irrigated land except well irrigated land and one-fifth in other cases. The reasonable rent is subject to maximum limit fixed in terms of the land revenue. In Mysore and Madras areas also produce rents are allowed. In Mysore area the maximum rent is 1/3 the produce in Maidan tracts and one-fourth in Malnad tracts. In Madras area the fair rent varies from 33 1/3% of the produce to 40% of the produce.

26. Ceiling for future acquisition of land by resumption from a tenant is in force in Bombay, Madras and Hyderabad areas. Ceiling for future acquisition otherwise than by resumption is in force in Bombay and Hyderabad areas. Ceiling for personal cultivation has been imposed only in the Hyderabad area.

27. Provisions regarding prohibition of land ownership as a source of income by persons who are not themselves cultivators, for the assumption and management or acquisition of lands by Government, and for preventing alienation of land in favour of non-agriculturists find a place only in the Bombay and Hyderabad Acts.